

AMENDED IN SENATE APRIL 12, 2012

**SENATE BILL**

**No. 1258**

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**Introduced by Senators Wolk and Correa**  
*(Coauthor: Senator Huff)*

February 23, 2012

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An act to add Section ~~712~~ 713 to the Military and Veterans Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as amended, Wolk. Department of Veterans Affairs: monitoring outcomes for ~~veterans~~; *veterans: Director of Employment Development: disclosure of information.*

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans.

This bill would require the Department of Veterans Affairs, for the purpose of ensuring the adequacy of services being provided to veterans and that the needs of veterans are being addressed in California, to establish a system for monitoring specified outcomes for veterans ~~and to report these outcomes~~. This bill would require the department to submit reports to the Senate and Assembly Committees on Veterans Affairs on the establishment of the system and on any outcomes for veterans identified by the department, as provided.

*Under existing law, the information obtained in the administration of the Unemployment Insurance Law is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However, existing law requires the director to permit the use of specified*

information for specified purposes, and allows the director to require reimbursement for direct costs incurred. Existing law provides that a person who knowingly accesses, uses, or discloses this confidential information without authorization is guilty of a misdemeanor.

This bill would require the Director of Employment Development to permit the receipt of specified information to enable the Department of Veterans Affairs to assess, monitor, or evaluate programs involving veterans. By providing this information to the Department of Veterans Affairs, this bill would expand the crime related to the unauthorized disclosure of this information, and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section ~~712~~ 713 is added to the Military and
- 2 Veterans Code, to read:
- 3 ~~712.~~
- 4 713. (a) The department shall, for the purpose of ensuring the
- 5 adequacy of services being provided to veterans and that the needs
- 6 of veterans are being addressed in California, ~~do both of the~~
- 7 ~~following:~~(1) ~~Establish~~ *establish* a system for monitoring
- 8 outcomes for veterans, including, but not limited to, employment
- 9 and employment-related information including employment
- 10 earnings, incidence of suicide, higher education including access
- 11 to higher education, involvement with the child welfare system,
- 12 and involvement with the criminal justice system.
- 13 ~~(2) Report the outcomes specified in paragraph (1).~~
- 14 (b) The department may ~~access~~ *receive* any data, the access to
- 15 which is not restricted by any state or federal law, that is necessary
- 16 to monitor the outcomes specified in subdivision (a), including,
- 17 but not limited to, data held by other state agencies or departments.

(c) The department shall prescribe a manner in which to ensure the confidentiality of information in the possession of the department ~~accessed~~ *received* pursuant to this section, that is equal to, or greater than, the protections in place for data ~~accessed~~ *through received* by other state agencies or departments.

(d) The department may establish one or more advisory bodies to guide and inform the selection of outcomes and the strategy for monitoring and reporting those outcomes, as determined by the Secretary of Veterans Affairs. ~~Any~~ *An* existing state entity that involves diverse representation of state and local veterans, including, but not limited to, the *California* Interagency Council ~~for~~ *on* Veterans, may act as an advisory body for purposes of this section.

(e) (1) The department shall report to the Senate and Assembly Committees on Veterans Affairs both of the following:

(A) (i) On or before March 1, 2015, the progress on the establishment of the system required pursuant to ~~paragraph (1) of~~ subdivision (a). The report shall specify any barriers faced by the department in ~~accessing~~ *receiving* the information necessary to report the outcomes for veterans, and shall specify any outcomes identified by the department as required pursuant to ~~paragraph (2) of~~ subdivision (a).

(ii) *The requirement for submitting a report imposed under clause (i) is inoperative on March 1, 2019, pursuant to Section 10231.5 of the Government Code.*

(B) (i) On or before March 1, 2016, and on or before March 1 of each year thereafter, any outcomes identified by the department pursuant to ~~paragraph (2) of~~ subdivision (a).

(ii) *The requirement for submitting a report imposed under clause (i) is inoperative on March 1, 2020, pursuant to Section 10231.5 of the Government Code.*

(2) The reports required to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

*SEC. 2. Section 1095 of the Unemployment Insurance Code is amended to read:*

1095. The director shall permit the use of any information in his or her possession to the extent necessary for any of the following purposes and may require reimbursement for all direct costs incurred in providing any and all information specified in

1 this section, except information specified in subdivisions (a) to  
2 (e), inclusive:

3 (a) To enable the director or his or her representative to carry  
4 out his or her responsibilities under this code.

5 (b) To properly present a claim for benefits.

6 (c) To acquaint a worker or his or her authorized agent with his  
7 or her existing or prospective right to benefits.

8 (d) To furnish an employer or his or her authorized agent with  
9 information to enable him or her to fully discharge his or her  
10 obligations or safeguard his or her rights under this division or  
11 Division 3 (commencing with Section 9000).

12 (e) To enable an employer to receive a reduction in contribution  
13 rate.

14 (f) To enable federal, state, or local government departments  
15 or agencies, subject to federal law, to verify or determine the  
16 eligibility or entitlement of an applicant for, or a recipient of, public  
17 social services provided pursuant to Division 9 (commencing with  
18 Section 10000) of the Welfare and Institutions Code, or Part A of  
19 Title IV of the Social Security Act, where the verification or  
20 determination is directly connected with, and limited to, the  
21 administration of public social services.

22 (g) To enable county administrators of general relief or  
23 assistance, or their representatives, to determine entitlement to  
24 locally provided general relief or assistance, where the  
25 determination is directly connected with, and limited to, the  
26 administration of general relief or assistance.

27 (h) To enable state or local governmental departments or  
28 agencies to seek criminal, civil, or administrative remedies in  
29 connection with the unlawful application for, or receipt of, relief  
30 provided under Division 9 (commencing with Section 10000) of  
31 the Welfare and Institutions Code or to enable the collection of  
32 expenditures for medical assistance services pursuant to Part 5  
33 (commencing with Section 17000) of Division 9 of the Welfare  
34 and Institutions Code.

35 (i) To provide any law enforcement agency with the name,  
36 address, telephone number, birth date, social security number,  
37 physical description, and names and addresses of present and past  
38 employers, of any victim, suspect, missing person, potential  
39 witness, or person for whom a felony arrest warrant has been  
40 issued, when a request for this information is made by any

1 investigator or peace officer as defined by Sections 830.1 and  
2 830.2 of the Penal Code, or by any federal law enforcement officer  
3 to whom the Attorney General has delegated authority to enforce  
4 federal search warrants, as defined under Sections 60.2 and 60.3  
5 of Title 28 of the Code of Federal Regulations, as amended, and  
6 when the requesting officer has been designated by the head of  
7 the law enforcement agency and requests this information in the  
8 course of and as a part of an investigation into the commission of  
9 a crime when there is a reasonable suspicion that the crime is a  
10 felony and that the information would lead to relevant evidence.  
11 The information provided pursuant to this subdivision shall be  
12 provided to the extent permitted by federal law and regulations,  
13 and to the extent the information is available and accessible within  
14 the constraints and configurations of existing department records.  
15 Any person who receives any information under this subdivision  
16 shall make a written report of the information to the law  
17 enforcement agency that employs him or her, for filing under the  
18 normal procedures of that agency.

19 (1) This subdivision shall not be construed to authorize the  
20 release to any law enforcement agency of a general list identifying  
21 individuals applying for or receiving benefits.

22 (2) The department shall maintain records pursuant to this  
23 subdivision only for periods required under regulations or statutes  
24 enacted for the administration of its programs.

25 (3) This subdivision shall not be construed as limiting the  
26 information provided to law enforcement agencies to that pertaining  
27 only to applicants for, or recipients of, benefits.

28 (4) The department shall notify all applicants for benefits that  
29 release of confidential information from their records will not be  
30 protected should there be a felony arrest warrant issued against  
31 the applicant or in the event of an investigation by a law  
32 enforcement agency into the commission of a felony.

33 (j) To provide public employee retirement systems in California  
34 with information relating to the earnings of any person who has  
35 applied for or is receiving a disability income, disability allowance,  
36 or disability retirement allowance, from a public employee  
37 retirement system. The earnings information shall be released only  
38 upon written request from the governing board specifying that the  
39 person has applied for or is receiving a disability allowance or  
40 disability retirement allowance from its retirement system. The

1 request may be made by the chief executive officer of the system  
2 or by an employee of the system so authorized and identified by  
3 name and title by the chief executive officer in writing.

4 (k) To enable the Division of Labor Standards Enforcement in  
5 the Department of Industrial Relations to seek criminal, civil, or  
6 administrative remedies in connection with the failure to pay, or  
7 the unlawful payment of, wages pursuant to Chapter 1  
8 (commencing with Section 200) of Part 1 of Division 2 of, and  
9 Chapter 1 (commencing with Section 1720) of Part 7 of Division  
10 2 of, the Labor Code.

11 (l) To enable federal, state, or local governmental departments  
12 or agencies to administer child support enforcement programs  
13 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et  
14 seq.).

15 (m) To provide federal, state, or local governmental departments  
16 or agencies with wage and claim information in its possession that  
17 will assist those departments and agencies in the administration  
18 of the Victims of Crime Program or in the location of victims of  
19 crime who, by state mandate or court order, are entitled to  
20 restitution that has been or can be recovered.

21 (n) To provide federal, state, or local governmental departments  
22 or agencies with information concerning any individuals who are  
23 or have been:

24 (1) Directed by state mandate or court order to pay restitution,  
25 fines, penalties, assessments, or fees as a result of a violation of  
26 law.

27 (2) Delinquent or in default on guaranteed student loans or who  
28 owe repayment of funds received through other financial assistance  
29 programs administered by those agencies. The information released  
30 by the director for the purposes of this paragraph shall not include  
31 unemployment insurance benefit information.

32 (o) To provide an authorized governmental agency with any or  
33 all relevant information that relates to any specific workers'  
34 compensation insurance fraud investigation. The information shall  
35 be provided to the extent permitted by federal law and regulations.  
36 For the purposes of this subdivision, "authorized governmental  
37 agency" means the district attorney of any county, the office of  
38 the Attorney General, the Department of Industrial Relations, and  
39 the Department of Insurance. An authorized governmental agency  
40 may disclose this information to the State Bar, the Medical Board

1 of California, or any other licensing board or department whose  
2 licensee is the subject of a workers' compensation insurance fraud  
3 investigation. This subdivision shall not prevent any authorized  
4 governmental agency from reporting to any board or department  
5 the suspected misconduct of any licensee of that body.

6 (p) To enable the Director of the Bureau for Private  
7 Postsecondary and Vocational Education, or his or her  
8 representatives, to access unemployment insurance quarterly wage  
9 data on a case-by-case basis to verify information on school  
10 administrators, school staff, and students provided by those schools  
11 who are being investigated for possible violations of Chapter 7 8  
12 (commencing with Section ~~94700~~ 94800) of Part 59 of *Division*  
13 *10 of Title 3* of the Education Code.

14 (q) To provide employment tax information to the tax officials  
15 of Mexico, if a reciprocal agreement exists. For purposes of this  
16 subdivision, "reciprocal agreement" means a formal agreement to  
17 exchange information between national taxing officials of Mexico  
18 and taxing authorities of the State Board of Equalization, the  
19 Franchise Tax Board, and the Employment Development  
20 Department. Furthermore, the reciprocal agreement shall be limited  
21 to the exchange of information that is essential for tax  
22 administration purposes only. Taxing authorities of the State of  
23 California shall be granted tax information only on California  
24 residents. Taxing authorities of Mexico shall be granted tax  
25 information only on Mexican nationals.

26 (r) To enable city and county planning agencies to develop  
27 economic forecasts for planning purposes. The information shall  
28 be limited to businesses within the jurisdiction of the city or county  
29 whose planning agency is requesting the information, and shall  
30 not include information regarding individual employees.

31 (s) To provide the State Department of Developmental Services  
32 with wage and employer information that will assist in the  
33 collection of moneys owed by the recipient, parent, or any other  
34 legally liable individual for services and supports provided pursuant  
35 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
36 and Chapter 2 (commencing with Section 7200) and Chapter 3  
37 (commencing with Section 7500) of Division 7 of, the Welfare  
38 and Institutions Code.

39 (t) To provide the State Board of Equalization with employment  
40 tax information that will assist in the administration of tax

1 programs. The information shall be limited to the exchange of  
2 employment tax information essential for tax administration  
3 purposes to the extent permitted by federal law and regulations.

4 (u) Nothing in this section shall be construed to authorize or  
5 permit the use of information obtained in the administration of this  
6 code by ~~any~~ a private collection agency.

7 (v) The disclosure of the name and address of an individual or  
8 business entity that was issued an assessment that included  
9 penalties under Section 1128 or 1128.1 shall not be in violation  
10 of Section 1094 if the assessment is final. The disclosure may also  
11 include any of the following:

12 (1) The total amount of the assessment.

13 (2) The amount of the penalty imposed under Section 1128 or  
14 1128.1 that is included in the assessment.

15 (3) The facts that resulted in the charging of the penalty under  
16 Section 1128 or 1128.1.

17 (w) To enable the Contractors' State License Board to verify  
18 the employment history of an individual applying for licensure  
19 pursuant to Section 7068 of the Business and Professions Code.

20 (x) To provide ~~any~~ a peace officer with the Division of  
21 Investigation in the Department of Consumer Affairs information  
22 pursuant to subdivision (i) when the requesting peace officer has  
23 been designated by the Chief of the Division of Investigation and  
24 requests this information in the course of and as part of an  
25 investigation into the commission of a crime or other unlawful act  
26 when there is reasonable suspicion to believe that the crime or act  
27 may be connected to the information requested and would lead to  
28 relevant information regarding the crime or unlawful act.

29 (y) To enable the Labor Commissioner of the Division of Labor  
30 Standards Enforcement in the Department of Industrial Relations  
31 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully  
32 uninsured employers. The information shall be provided to the  
33 extent permitted by federal law and regulations.

34 (z) To enable the Chancellor of the California Community  
35 Colleges, in accordance with the requirements of Section 84754.5  
36 of the Education Code, to obtain quarterly wage data, commencing  
37 January 1, 1993, on students who have attended one or more  
38 community colleges, to assess the impact of education on the  
39 employment and earnings of students, to conduct the annual  
40 evaluation of district-level and individual college performance in



1 achieving priority educational outcomes, and to submit the required  
2 reports to the Legislature and the Governor. The information shall  
3 be provided to the extent permitted by federal statutes and  
4 regulations.

5 (aa) To enable the Public Employees' Retirement System to  
6 seek criminal, civil, or administrative remedies in connection with  
7 the unlawful application for, or receipt of, benefits provided under  
8 Part 3 (commencing with Section 20000) of Division 5 of Title 2  
9 of the Government Code.

10 (ab) To enable the State Department of Education, the University  
11 of California, the California State University, and the Chancellor  
12 of the California Community Colleges, pursuant to the  
13 requirements prescribed by the federal American Recovery and  
14 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly  
15 wage data, commencing July 1, 2010, on students who have  
16 attended their respective systems to assess the impact of education  
17 on the employment and earnings of those students, to conduct the  
18 annual analysis of district-level and individual district or  
19 postsecondary education system performance in achieving priority  
20 educational outcomes, and to submit the required reports to the  
21 Legislature and the Governor. The information shall be provided  
22 to the extent permitted by federal statutes and regulations.

23 (ac) *To enable the Department of Veterans Affairs to receive*  
24 *quarterly wage data pursuant to the requirements of Section 712*  
25 *of the Military and Veterans Code. The information shall be*  
26 *provided to the extent permitted by federal law.*

27 *SEC. 3. No reimbursement is required by this act pursuant to*  
28 *Section 6 of Article XIII B of the California Constitution because*  
29 *the only costs that may be incurred by a local agency or school*  
30 *district will be incurred because this act creates a new crime or*  
31 *infraction, eliminates a crime or infraction, or changes the penalty*  
32 *for a crime or infraction, within the meaning of Section 17556 of*  
33 *the Government Code, or changes the definition of a crime within*  
34 *the meaning of Section 6 of Article XIII B of the California*  
35 *Constitution.*